



- **This document does not constitute a Land Use Review Board preapplication response to the Mt. Ascutney Regional Commission preapplication.**
- These comments are offered by individual board member Janet Hurley.
- These comments are meant to offer **advisory recommendations** to the MARC concerning the plan’s format, accessibility, and accuracy.
- **These comments do not reflect an assessment of whether the plan complies with statutory standards.**
- **These comments are not reflective of the board’s preapplication response.**

This sentence on page 1-3 needs to be revised to reflect current LURB structure: “In addition, the Land Use Panel of the Natural Resources Board that oversees the Act 250 process narrowly interprets “conflict” as only existing when one plan allows the project, but the other does not. In addition, state statutes require compatibility between regional and municipal plans.” There is no land use panel and the NRB has been replaced by the LURB.

Also note that housing units or lots of 6 or more triggers Act 250 in towns without zoning and subdivision regulations (pp. 1-3 to 1-4).

Page 1-5 (re: Act 250 exemptions) consider adding information about Tier 1A area status.

Update references to the PSB with PUC, starting on page 1-5. Conduct a global find and replace.

Page 3-3, clarify that there are only two designations: centers and neighborhoods and that FLU maps will depict downtown centers and village centers that will receive the center designation and planned growth areas and village areas that will receive the neighborhood designation upon LURB approval.

Page 3-4, revise to indicate that Tier 1B areas can include village areas too.

Table 3-1 (pp. 3-22, 23, 24) Repeat column headings on each page.

P. 3-29 says no cul-de-sacs but preferred illustration shows cul-de-sacs. It is suburban style development that is discouraged, but cul-de-sacs may be appropriate to protect natural resources. These more nuanced considerations should be acknowledged.

The “Local and Regional Planning” subsection on page 4-9 could use more details about how the RPC will accomplish watershed analyses. The subsection could also explain the reach of the telecommunications act and give more detail on how state and local regulations apply and how regional plan policy is given deference by the PUC.

Consider redesigning Table 5-3 to be more accessible to readers who are visually impaired according to ADA standards on page 5-5.

Page 5-6 lists “updates to annexes” as a mitigation measure. Explain what this means.

Regarding police services, page 5-8 includes the following: “A regional assessment of service areas, staffing capacity, and coordination among agencies would help towns plan for more efficient service delivery and address both current redundancies and potential service gaps.” Consider explaining how the RPC may assist in accomplishing such an assessment.

The emergency management chapter includes a numbered section heading (1) for “emergency planning” followed by several subsections that include the number 1 and a capital letter. There is no section 2 so the numbering is superfluous. Consider removing it.

Map 7 offers a clearer presentation of agricultural soils. Consider eliminating the map on page 6-3.

Map 6 is titled “Forest Blocks and Habitat.” A box explains that the map displays “habitat blocks” as determined by ANR by removing “developed lands” from “natural cover” – presumably a GIS exercise with digital land cover data. The box adds the following: “This data set is the combination of all priority Forest Blocks and Connectivity blocks as determined by ANR.” Consider adding clarifying discussion (within Chapter 6) of how the terms “Forest Blocks,” “Habitat Blocks,” and “Connectivity Blocks” are related or distinguished.

RTE occurrences are shown on Map 6 in a light gray color that is difficult to discern from some of the background colors. Consider depicting in a different color, hue, or symbology.

It is confusing as to why some maps are presented within the narrative of Chapter 6 and are not numbered whereas others are numbered and presented outside the chapter. It is also not clear how to find this outside list of ten maps until one finds the list after page 12-25 of the plan on a page number “1” directly before the Appendix A.

Tactical basin plans are referenced on page 6-9. Reference is made to a map depicting the two major drainage basins in the region, but the map does not appear “to the left” as indicated.

Page 6-11 references the water resources map as Map X. It appears as numbered Map 1 in a link at the end of the plan. Update the reference. Also, consider depicting the sourcewater protection areas in something other than solid blue, which could suggest mapped surface water lakes, ponds, or reservoirs instead.

Consider combining the information presented in Figure 6-5 with that in Figure 6-4 and eliminating Figure 6-5.

Page 6-16 includes the following statement: “Zoning administrators in municipalities that have zoning regulations are required to notify the Wetlands Program of activities proposed within wetlands prior to the issuance of a local zoning permit. The Wetlands Program has 30 days to provide comments on the project to the zoning administrator. This review mechanism protects zoning administrators from issuing local permits that might violate state and/or federal regulations.” However, statute does not give ZAs this responsibility. Consider revision of this statement to reflect statutory authority and responsibility for ZAs per 24 VSA 4448(c): “The administrative officer should provide an applicant with forms required to obtain any municipal permit or other municipal authorization required under this chapter, or under other laws or ordinances that relate to the regulation by municipalities of land development. If other municipal permits or authorizations are required, the administrative officer should coordinate a unified effort on behalf of the municipality in administering its development review programs. The administrative officer should inform any person applying for municipal permits or authorizations that the person should contact the regional permit specialist employed by the Agency of Natural Resources in order to assure timely action on any related State permits; nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant State permits.”

Consider referencing the Water Resources Map (Map 1) on page 6-19 within the discussion of sourcewater protection areas.

Discussion of soil erosion on page 6-20. Reference to Map 3 says it displays slopes above 25%. Actually, it displays slopes above 15% in two categories (15-24% and over 24%). Map 3 also displays lands above 2500 feet in elevation and lands between 1500 and 2500 feet, which could be noted in the next paragraph.

Mineral resources are discussed on pages 6-20 and 6-21. Mineral extraction policies are presented on page 6-24. More detail on reclamation is included in the “Development

Standards” section of the land use chapter (Chapter 3) to meet Goal 10 requirements. However, consider consolidating this discussion in the natural resources chapter on pages 6-20 and 6-21 so that it is easy to determine that Goal 10 is met.

Page 7-2 references Map X to show designated historic resources. This is Map 10 available via link at the end of the plan. Update the map reference to Map 10.

Pages 7-11 and 7-12 lists and describes six general categories of scenic resources. Page 7-13 includes a map and table showing 37 particular identified scenic resources within the region. The resolution on the map is not sufficient to read the identified resource labels. Furthermore, the tabular information is not presented in a singular table that would be accessible to a screen reader with alt-text. Clear and accessible presentation of these 37 scenic resources is important because the following policy is included at the end of the chapter: “The sites highlighted in the Scenic Resources section of this chapter are inherently and especially sensitive. Development around the Region must not result in undue adverse impacts on these scenic resources.” Finally, does the policy apply specifically to the 37 identified resources or generally to the scenic resources described according to the six categories on page 7-11 and 7-12. This should also be clarified.

Pages 7-17 through 7-21 are identified as an appendix containing scenic resource survey results. Consider removing this from the body of the plan and including it with other appendices after the conclusion of the plan narrative. Likewise, consider summarizing the results or explaining how the survey informed the 37 scenic resources that were called out in Chapter 7.

Consider eliminating the one-page Chapter 8. The energy plan is already referenced as Volume 3 of 3 of the regional plan.

Consider providing evidence to support this statement on page 9-7: “The growth of short-term rentals has reduced the numbers of longterm rentals for residents.”

Update the reference to Table 9.1 on Page 9-10 (from 2019 to 2023). Also, don’t split Table 9.9 between two pages. In addition, include in the plan narrative the explanation of how MARC municipalized the regional targets that are presented in the table. Currently, it is just explained in a note associated with the table. Note, the explanation of how the regional housing targets were municipalized is located in Appendix C. A simple reference to Appendix C should do the trick.

Table 10.2 on page 10-6 is a split table. Not accessible.

Consider saying more about Working Communities Challenge grant on page 10-8. It is mentioned again on page 10-14. Consider consolidating discussion of the grant on page 10-14. Also, more about how MARC plays the key role described on page 10-9.

Pages 10-10 and 10-11 indicate brownfield sites that have been remediated and redeveloped with MARC assistance. The table and map that present the list of sites and details about them is likely not accessible to screen readers. Consider adding narrative to describe the brownfield sites and projects that MARC assisted in.

Chapter 11 pagination uses “10” rather than “11” so that it is indistinguishable from Chapter 10 pagination. Correct this.

Maps on pages “11-7” and “11-8” would benefit from a scale showing distance in miles.

On page “11-18” the plan notes that in 2019 91% of youth users of a state crisis line were female while only 6% were male (3% transgender). This reveals a marked and concerning lack of use of this service by boys that may warrant attention.

Repeat column headings for each page of the implementation matrix on pp. 12-7 through 12-15.

Page 2 of Appendix C. No context is provided for the data presented in bar graph and table at bottom of the page. Is this for State of Vermont? MARC? Or some other geography?

Municipalization methodology provided is pretty bare bones. Provide a bit more detail. For example, for enterprise areas, presumably each of the 3 factors was not used because housing use is not allowed in these areas, so acreage for housing is zero there even if FLUA acreage is hundreds. Including such explanatory details may be warranted.

Many maps, tables, and figures throughout the plan are not titled and otherwise not accessible to screen readers. **Consider auditing the plan for accessibility and adding alt-text for all maps, figures, and tables.**

Transportation Plan (Volume 2). There is a page at the end titled “Maps” but no maps are provided, nor links to maps. Include the transportation maps within the plan document.

Energy plan (Volume 3). The solar and wind potential maps are not easily accessible from the plan. There are multiple links outside the plan document before they can be accessed. Consider including these maps within the plan document. Also, consider using more contrasting scheme to display the constraints levels. The grays are too close together in hue.